

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 6 2006

OFFICE OF  
MANAGING DIRECTOR

Suzanne E. Rogers, President  
Meridian Communications  
of Idaho, Inc.  
455 Capitol Mall, Suite 210  
Sacramento, CA 95814

Re: Meridian Communications of Idaho, Inc.  
FY 2005 Regulatory Fee  
Fee Control No. 00000RROG-06-004

Dear Ms. Rogers:

This is in response to your request dated September 6, 2005, filed on behalf of Meridian Communications of Idaho, Inc. (Meridian), permittee of commercial television station Channel 20, Idaho Falls, Idaho, for a waiver and refund of the \$1,725.00 fiscal year (FY) 2005 regulatory fee.<sup>1</sup> Our records reflect that you have paid the regulatory fee. For the reasons that follow, we grant your request.

You recite that the construction permit authorizing Channel 20 to serve the community of Idaho Falls, Idaho, was granted by the Commission's Media Bureau (Bureau) on July 22, 2003, and that The Post Company (Post) filed a petition for reconsideration of that decision on August 21, 2003.<sup>2</sup> You assert that the filing of the petition for reconsideration "made the status of the [s]tation uncertain and tolled the construction period on the permit."<sup>3</sup> You state that after the Bureau denied Post's petition for reconsideration on July 21, 2005, the successor to Post, NPG of Idaho, Inc. (NPG), filed an application for review on August 22, 2005, to which Meridian filed an opposition.<sup>4</sup>

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<sup>1</sup> See Meridian Communications of Idaho, Petition for Waiver of Regulatory Fee (Sept. 6, 2005) (*Petition*).

<sup>2</sup> *Id.* at 1-2.

<sup>3</sup> *Id.* at 2. The Office of Managing Director (OMD) granted Meridian a waiver and refund of the FY 2004 regulatory fee after finding that the construction of the proposed station had "been prevented by causes not under the control of the permittee, *i.e.*, the pendency of Post's petition for reconsideration, and that the expiration date of the construction permit had been tolled pursuant to section 73.3598(b)(ii) of the rules, 47 C.F.R. §73.3598(b)(ii)." See Letter from Mark A. Reger, Chief Financial Officer, OMD, FCC, to Suzanne E. Rogers (Jan. 4, 2005).

<sup>4</sup> *Petition* at 2-3.

You contend that Meridian "has effectively been prohibited from building the [s]tation since the August 21, 2003 filing of Post's Petition for Reconsideration, and will remain so until a decision on the August 22, 2005 Application for Review is rendered."<sup>5</sup> You allege that "[t]he result is that . . . [Meridian] has not been in possession of a functional Commission license or permit since August 21, 2003, including on October 1, 2004, the date for determining 2005 regulatory fee obligations."<sup>6</sup>

We agree with you that the construction permit for Channel 20 remains encumbered. In this regard, it appears that the construction of Meridian's proposed station has been prevented by causes not under the control of the permittee, *i.e.*, the pendency of Post's petition for reconsideration and now NPG's application for review, and that the expiration date of the construction permit has been tolled pursuant to the provisions of section 73.3598(b)(ii) of the rules. Under these circumstances, we find good cause for a waiver of the FY 2005 regulatory fee and, accordingly, we grant your request for a refund of the fee.

A check, made payable to the maker of the original check, and drawn in the amount of \$1,725.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

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<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.*

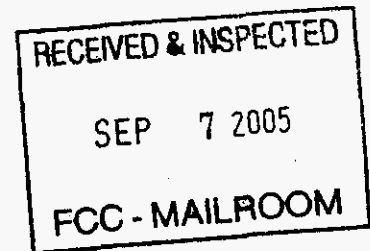
MERIDIAN COMMUNICATIONS  
OF IDAHO, INC.

455 Capitol Mall, Suite 210, Sacramento, California 95814 (916) 448-8800 Fax (916) 448-6455

~~September 6, 2005~~

VIA FEDERAL EXPRESS OVERNIGHT

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743



ATTN: Andrew S. Fishel, Managing Director  
Office of Managing Director

Re: Regulatory Fee Waiver Request of ~~Meridian Communications of Idaho, Inc.~~  
Permittee of Channel 20, Idaho Falls, Idaho; Facility ID 41238

Dear Ms. Dortch:

Enclosed for filing with the Office of Managing Director is one original and four copies of Meridian Communications of Idaho's ("MCID") Petition for Waiver of Regulatory Fee ("Petition"). MCID has submitted full payment of the assessed regulatory fee electronically and encloses herein for your reference a true and correct copy of its regulatory fee remittance, FCC Form 159 (with the FRN number redacted for confidentiality purposes).

Also enclosed is a "stamp & receipt" copy of the Petition for return-receipt purposes. For your convenience a self-addressed stamped envelope is provided to return the stamp-receipted copy.

Thank you for your assistance with this matter. If you require any additional information in support of this request or have any questions regarding the enclosed documents, please feel free to contact me at the address and phone number listed above.

Sincerely,

Suzanne E. Rogers  
President

Enclosures

22g Letter  
Assign to Rosalia  
30 2g fields  
mle  
9/9/05

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

RECEIVED & INSPECTED

SEP 7 2005

FCC - MAILROOM

In the Matter of )

Meridian Communications of Idaho )

Permittee of UHF Television Station )  
Channel 20 )

Idaho Falls, Idaho )

Facility ID 41238 )

FCC File No. BPCT-19950306KF

To Managing Director, Office of Managing Director

**PETITION FOR WAIVER OF REGULATORY FEE**

Meridian Communications of Idaho ("MCID"), permittee of commercial television station Channel 20, Idaho Falls, Idaho, Facility ID 41238 ("Station"), hereby petitions the Commission for a waiver and refund of the Station's 2005 regulatory fee due to the presently tolled status of its construction permit. In support of its Petition, MCID submits that the "good cause" standard of Section 1.1166 of the Commission's Rules has been met, and, specifically, that "extraordinary and compelling circumstances" exist which "override the public interest in reimbursing the Commission for its regulatory costs."<sup>1</sup> MCID declares the following in support of this submission.

1. The Station construction permit, which authorizes Channel 20 to serve the

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<sup>1</sup>See In Re Implementation of Section 9 of the Communications Act, 59 F.R. 30984 (June 16, 1994), 9 FCC Rcd 5333 ¶ 29 (1994) (hereinafter FY 1994 Report and Order); and In Re Implementation of Section 9 of the Commissions Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Memorandum Opinion and Order, FCC 95-257, 10 FCC Rcd. 12759, ¶ 12 (1995) (hereinafter FY 1994 Memorandum Opinion and Order).

community of Idaho Falls, Idaho, was granted on July 22, 2003, following a protracted application and settlement process. The original application for a construction permit for Channel 20 in Idaho Falls, Idaho, was filed on the 6<sup>th</sup> of March, 1995 (*See* BPCT-19950306KF) ("Application"), and on May 15, 1995, The Post Company ("Post"), licensee of station KIFI-TV, Idaho Falls, Idaho, filed a Petition to Deny that Application ("Petition to Deny"). In August of 1999, MCID filed a settlement agreement with the Commission, which it had entered into with mutually exclusive applicant Flat Iron Ranches, Inc. ("Flat Iron"), asking the Commission to grant MCID's Application. On December 17, 1999, in response to the filing of the settlement agreement, Post filed a Supplement to its earlier May 15, 1995 Petition to Deny MCID's Application ("Supplement"), and Fisher Broadcasting, Inc. ("Fisher"), licensee of station KIDK(TV), Idaho Falls, Idaho, filed Comments in support thereof. The Supplement and the Comments raised several allegations about MCID's qualifications to be a licensee, all of which were denied upon the July 22, 2003 grant of the Station's construction permit. In a letter dated July 22, 2003, from Barbara A. Kreisman, Chief, Video Division, Media Bureau, to J. Dominic Monahan, Esq., the Commission rejected all of Post's and Fisher's allegations, denied Post's May 15, 1995 Petition to Deny, and granted MCID's Application.

2. Despite the Commission's well-reasoned decision, Post filed a Petition for Reconsideration thereof on August 21, 2003 (followed by responsive pleadings by both parties), which made the status of the Station uncertain and tolled the construction period on the permit. On July 21, 2005, the Commission again denied Post's claims in a letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau, to J. Dominic Monahan. However, the successor to Post, NPG of Idaho, Inc., filed an Application for Review thereof (which MCID has

opposed in a responsive pleading) on August 22, 2005.

3. Thus, notwithstanding two rulings from the Commission denying all allegations raised by Post and Fisher and awarding the permit to MCID, MCID has effectively been prohibited from building the Station since the August 21, 2003 filing of Post's Petition for Reconsideration, and will remain so until a decision on the August 22, 2005 Application for Review is rendered. The result is that MCID has not been (for reasons beyond its control) in possession of a functional Commission license or permit since August 21, 2003, including on October 1, 2004, the date for determining 2005 regulatory fee obligations. Under present circumstances, MCID is unable to generate any cash flow, let alone make projections of cash flow. Although MCID firmly believes the Commission will rule in its favor with respect to the pending Application for Review, it cannot realistically begin buildout of the Station or business operations until it has received such a ruling.

4. For these reasons, MCID believes that good cause exists for waiver of the 2005 television construction permit fee of \$1,725 (PTC Code 0564) with respect to the Station, and that indeed, "extraordinary and compelling circumstances" exist which "override the public interest in reimbursing the Commission for its regulatory costs."<sup>2</sup> Specifically, MCID asserts that the Commission's levy of a regulatory fee on the Station is not in the public interest, as no regulated interest has been vested in MCID.

5. MCID has timely remitted the full \$1,725 in regulatory fees due (see copy of electronic File Copy of FCC Online Payment Receipt, FCC Form 159, attached hereto), and accompanies such payment with this Petition for Waiver of Regulatory Fee. MCID does so

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<sup>2</sup>Id.

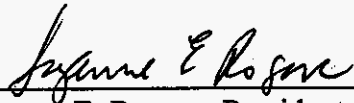
having made no income to date, as it has not been able to build or operate the Station.

Pursuant to the facts set forth above and in accordance with the policy stated in the FY 1994 Report and Order and the FY 1994 Memorandum Opinion and Order, MCID requests a waiver and refund of its regulatory fees for fiscal year 2004. MCID requests that this refund be tendered at the earliest possible date.

Respectfully submitted,

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Meridian Communications of Idaho, Inc.

By:   
Suzanne E. Rogers, President

Dated: September 6, 2005

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 15 2005

WTS #: 3600

OFFICE OF  
MANAGING DIRECTOR

FO E/MTS CNTL #

~~41115~~

DUE DATE: 10/21/05

Suzanne E. Rogers, President  
Meridian Communications of Idaho, Inc.  
455 Capitol Mall, Suite 210  
Sacramento, CA 95814

Re: Request for Waiver of Reg. Fee  
From Meridian Communications of Idaho, Inc.

Dear Ms. Rogers:

This letter is acknowledging receipt of your letter dated September 6, 2005, which was received by the FCC on September 7, 2005. Within 30 days of this letter we will mail you either a resolution to your item or a letter telling you when you can expect a resolution. If you have any questions concerning this letter please call the Office of the Chief Financial Officer at (202) 418-1925. As you may notice from the date your correspondence was actually received in our office, we continue to experience significant delays in mail delivery. You may choose to fax or email any further correspondence to the Agency for a more timely response.

Sincerely,



Mark A. Reger  
Chief Financial Officer



Federal Communications Commission  
Office of the Managing Director

C.A.#

- |  |   |
|--|---|
| <input type="checkbox"/> Chairman                    | <input type="checkbox"/> Managing Director                    |
| <input type="checkbox"/> Commissioner                | <input type="checkbox"/> Deputy Managing Director-RL          |
| <input type="checkbox"/> Inspector General           | <input type="checkbox"/> Deputy Managing Director-BS          |
| <input type="checkbox"/> General Counsel             | <input type="checkbox"/> Staff Assistant to Managing Director |
| <input type="checkbox"/> Chief, OET                  | <input type="checkbox"/> Assistant for Management             |
| <input type="checkbox"/> Chief, Plans and Policy     | <input type="checkbox"/> Assoc. MD-PERM                       |
| <input type="checkbox"/> Chief, Adm. Law Judges      | <input type="checkbox"/> Assoc. MD-HRM                        |
| <input type="checkbox"/> Chief, EB                   | <input type="checkbox"/> Assoc. MD-AO                         |
| <input type="checkbox"/> Chief, WCB                  | <input checked="" type="checkbox"/> Assoc. MD-FO              |
| <input type="checkbox"/> Chief, MB                   | <input type="checkbox"/> Security Operations Staff            |
| <input type="checkbox"/> Chief, WTB                  | <input type="checkbox"/> Director, ITC                        |
| <input type="checkbox"/> Chief, CGB                  | <input type="checkbox"/> The Secretary                        |
| <input type="checkbox"/> Chief, International Bureau | <input type="checkbox"/> Other                                |
| <input type="checkbox"/> Director, OLA               |   |
| <input type="checkbox"/> Director, Media Relations   |   |
| <input type="checkbox"/> Director, OCBO              |   |
| <input type="checkbox"/> Chief, Workplace Diversity  |   |

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| <input checked="" type="checkbox"/> Appropriate Action | <input type="checkbox"/> Coordination     | <input type="checkbox"/> Information  |
| <input type="checkbox"/> Recommendation/Comment        | <input type="checkbox"/> Briefing Paper   | <input type="checkbox"/> As Requested |
| <input type="checkbox"/> Review                        | <input type="checkbox"/> Written Response | <input type="checkbox"/> Distribution |
| <input type="checkbox"/> Signature                     | <input type="checkbox"/> Verbal Response  | <input type="checkbox"/> See Me       |
| <input type="checkbox"/> Reply for _____               | <input type="checkbox"/> Other: _____     |                                       |

CONTROLLED ASSIGNMENT: ☐ New ☐ Confirm ☐ Due Date \_\_\_\_\_

Remarks

**MANAGING DIRECTOR**

From: \_\_\_\_\_

SEP 07 2005

Date: \_\_\_\_\_

MD-230A  
Nov/02